



Legislative Bulletin..... February 4, 2014

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H.R. 2954 - To authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance and amendments

H.R. 2954 – To authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance (Miller, R-FL)

Order of Business: The bill is scheduled to be considered on February 6, 2014, under a structured rule, H.Res. 472. This is a combined rule for both H.R. 3964 and H.R. 2954. The rule can be [viewed here](#).

With respect to H.R. 3964, the rule provides for its consideration in the Committee of the Whole House on the state of the Union. The rule waives all points of order against the bill, and provides for one hour of equally divided general debate. After general debate, the bill shall be considered for amendment under the five-minute rule. The rule makes in order those amendments that are summarized below in this document. The rule waives all points of order against the amendments. After amendment debate, the Committee shall rise and report the bill to the House. At that time, any Member may demand a separate vote in the House on any amendment that was adopted in the Committee of the Whole. The previous question shall be considered as ordered, and the rule provides for one motion to recommit with or without instructions.

Summary: H.R. 2954 is a combination of 10 bills, each is summarized below.

Title I – Santa Rosa Island Title Fairness and Land Preservation Act

The legislation allows Escambia County, Florida, to convey any portion of certain property free from any restriction or conveyance imposed by the U.S. This property is located on Santa Rose Island and was originally conveyed to Escambia County from the federal government.

Within two years of enactment, Escambia County shall convey this property to Santa Rosa County.

Title II – Anchorage Land Conveyance Act

This title is similar to H.R. 585, introduced by Rep. Young (R-AK)

The legislation directs the Secretary of the Interior to convey to the city of Anchorage, Alaska, the reversionary interests to three parcels of land, totaling approximately 2.65 acres. This city shall pay all costs associated with this conveyance, including the cost of surveys.

According to CBO, the city holds title to those lands and will retain title as long as the lands are used for public purposes. If the city stops using the lands for such purposes, title would revert back to the federal government.

Title III – Fernley Economic Self-Determination Act

This title is similar to H.R. 1170, introduced by Rep. Amodei (R-NV).

Within 180 days after the Secretary of the Interior receives an offer from the city of Fernley, Nevada, to purchase 9,407 acres of federal land, the Secretary is directed to convey the property. The city shall pay the fair market value for the federal land, which the Secretary will establish by an appraisal. The city shall pay for the cost of the land transfer.

Title IV – Land Disposal Transparency and Efficiency Act

This title is similar to H.R. 2095, introduced by Rep. Bishop (R-UT).

The legislation prohibits the Bureau of Land Management from acquiring land until a centralized database is compiled. This database shall identify all lands that are suitable for disposal by Resource Management Plans. This database will be accessible to the public on a website of the Bureau. Within 90 days after enactment, the Secretary of Interior shall report to Congress on the status and timing for the completion of this database.

Title V – Preserving Access to Cape Hatteras National Seashore Recreational Area Act

This title is similar to H.R. 819, introduced by Rep. Jones (R-NC).

Unless the Secretary of the Interior issues a new rule, the legislation requires the Cape Hatteras National Seashore to be managed in accordance with the Interim Protected Species Management Strategy/Environmental Assessment issued by the National Park Service on June 13, 2007.

The legislation also prohibits the Secretary from imposing any additional restrictions on pedestrian or motorized vehicular access to any portion of the Cape Hatteras National Seashore Recreational Area for species protection.

The legislation all states that the final rule titles “Special Regulations, Areas of the National Park System, Cape Hatteras National Seashore – Off-Road Vehicle Management” shall have no force or effect of law. The April 30, 2008, consent decree regarding off-road vehicle use shall not apply after the date of enactment.

Title VI - Green Mountain Lookout Heritage Protection Act

This title is similar to H.R. 908, introduced by Rep. DelBene (D-WA)

The legislation prohibits the Secretary of Agriculture from moving Green Mountain Lookout from its current location on Green Mountain in the Mount Baker-Snoqualmie National Forest unless the Secretary determines that the move is necessary to preserve the Lookout.

According to CBO, in 2012, a federal court ordered the Forest Service to remove a lookout structure from Green Mountain, located in the wilderness area. Under the bill, the agency would be authorized to remove the structure only if it poses a risk to public safety.

According to the Forest Service, Green Mountain Lookout is located in the western portion of the Glacier Peak Wilderness, which is near Darrington, Washington. It was built in 1933 by the Civilian Conservation Corps. More information can be [found here](#).

Title VII – River Paddling Protection Act

This title is similar to H.R. 3492, introduced by Rep. Lummis (R-WY).

The legislation states that the rivers and streams of Yellowstone National Park and Grand Teton National Park shall be open to hand-propelled vessels within three years after the date of enactment.

Beginning three years after the date of enactment, the legislation supersedes certain regulations dealing with vessels on streams and rivers in Yellowstone National Park and Grand Teton National Park, so that they have no force or effect of law.

Title VIII – Grazing Improvement Act

This title is similar to H.R. 657, introduced by Rep. Labrador (R-ID).

The legislation amends the number of years, from 10 to 20, of grazing permits and leases for domestic livestock that graze on public lands.

The legislation limits the ability to appeal a grazing decision to an administrative judge to only applicants, permittees and lessees whose interest in grazing livestock is directly affected by a final grazing decision.

The legislation excludes the renewal, reissuance, or transfer of a grazing permit or lease by the Secretary from the requirement to prepare an environmental assessment if the Secretary's decision continues to renew, reissue or transfer the lease. This exclusion is also applied in cases where the Secretary's decision regarding the lease is consistent with the policy of the Department of the Interior or the Department of Agriculture.

Title IX – Rim Fire Emergency Salvage Act

This title is similar to H.R. 3188, introduced by Rep. McClintock (R-CA).

The legislation directs the Secretary of Interior to promptly implement salvage timber sales of dead, damaged, or downed timber resulting from the California Rim Fire.

These timber sales are to proceed immediately and shall occur notwithstanding any other provision of law, include the National Environmental Policy Act (NEPA). These timber sales shall not be subject administrative review by the Forest Service.

Title X – Chesapeake Bay Accountability and Recovery Act
This title is similar to H.R. 739, as introduced by Rep. Wittman (R-VA)

The legislation directs the Director of the Office of Management and Budget, along with the chief executive of each Chesapeake Bay State, and the Chesapeake Bay Commission, to submit to Congress a financial report containing:

- “An interagency crosscut budget that displays--
 - “The proposed funding for any Federal restoration activity to be carried out in the succeeding fiscal year, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carry out restoration activities;
 - “To the extent that information is available, the estimated funding for any State restoration activity to be carried out in the succeeding fiscal year;
 - “All expenditures for Federal restoration activities from the preceding 2 fiscal years, the current fiscal year, and the succeeding fiscal year.”

The Director of OMB shall only describe restoration activities that have funding amounts greater than \$100,000 (for federal restoration activities), or have funding amounts greater than \$50,000 (for state restoration activities). The Director shall submit this report to Congress within 30 days after the submission of the President’s annual budget to Congress.

Within one year of enactment, the Administrator shall develop an adaptive management plan for restoration activities that includes:

- “specific and measurable objectives to improve water quality, habitat, and fisheries identified by Chesapeake Bay States;
- “A process for stakeholder participation;
- “Monitoring, modeling, experimentation, and other research and evaluation practices reported by Chesapeake Bay States.”

Within 60 days of enactment, the Administrator shall report to Congress on the implementation of this adaptive management plan.

The legislation also requires an Independent Evaluator for restoration activities in the Chesapeake Bay watershed, who shall report and review on restoration activities. The legislation establishes nomination requirements and requires a report every 2 years on the findings of the evaluator.

Amendments Made In Order:

Young (R-AK): The amendment adds a new title to the legislation. The amendment directs the Secretary of the Interior to approve an application under the Alaska Native Veteran Allotment and issue a patent for surface rights to 80 acres federal land.

The text of the amendment can be [found here](#).

Lummis (R-WY): The amendment makes technical corrections to Title VIII. The amendment also directs the Secretary to see to conduct environmental reviews on an allotment or multiple allotment basis for the purpose of compliance with the National Environmental Policy Act (NEPA). This allows the Secretary to consolidate the environmental reviews. Background information for Title VIII can be viewed above. The text of the amendment can be [found here](#).

McClintock (R-CA): The amendment replaces Title IX in the legislation. The amendment requires a pilot project to occur on lands within the Stanislaus National Forest that were adversely impacted by the 2013 Rim Fire in California. This will be a timber salvage and restoration pilot project. The pilot project will be exempt from the National Environmental Policy Act (NEPA), the National Forest Management Act, the Forest and Rangeland Renewable Resources Planning Act, the Federal Land Policy and Management Act, and the Endangered Species Act. The amendment contains a sense of Congress that the Secretaries of Agriculture and Interior should use existing authorities to retain revenues (other than what is required to be deposited with the Treasury) generated by salvage sales conducted in response to catastrophic wild fires. The text of the amendment can be [found here](#).

Grijalva (D-AZ): The amendment strikes Title IV. Information on Title IV can be viewed above. The text of the amendment can be [found here](#).

Labrador (R-ID): With respect to Title III, the amendment requires that any person, other than a directly affected party, that challenges an action of the Secretary regarding a final grazing decision, pay the legal fees and expenses of the prevailing party. The text of the amendment can be [found here](#).

Committee Action: H.R. 2954 was introduced on August 1, 2013, and was referred to the Natural Resources Subcommittee on Public Lands and Environmental Regulation. A full committee [markup was held](#) on October 30, 2013, and the legislation was favorably reported by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A comprehensive CBO score is unavailable. However, CBO scores are available for legislation similar to the titles of this bill.

Title I - CBO estimates that implementing the legislation would have no significant impact on the federal budget. CBO's report can be [viewed here](#).

Title II - CBO estimates that implementing the bill would have no effect on the federal budget. CBO's report can be [viewed here](#).

Title III - CBO estimates that enacting the bill would increase offsetting receipts, which are treated as reductions in direct spending, by \$5 million over the 2014-2023 period. CBO's report can be [viewed here](#).

Title IV – A CBO score for H.R. 2095 is unavailable. The text of title IV is similar to that of H.R. 2095.

Title V – CBO estimates that implementing the legislation would cost about \$2 million over the 2014-2018 period, assuming the availability of appropriated funds. CBO's report can be [viewed here](#).

Title VI - CBO estimates that implementing the legislation would have no significant net impact on the federal budget. Because the lookout was recently reconstructed, CBO expects that, under the bill, the agency would allow the structure to remain on the mountain for several years. As a result, CBO estimates, the Forest Service would not need to spend about \$200,000 in appropriated funds to remove the structure CBO's report can be [viewed here](#).

Title VII - A CBO score for H.R. 3492 is unavailable. The text of title IV is similar to that of H.R. 3492.

Title VIII - CBO estimates that enacting H.R. 657 would affect offsetting receipts, which are treated as reductions in direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be negligible over the 2014-2023 period. They also estimate that implementing the legislation would have no significant impact on discretionary spending. CBO's report can be [viewed here](#).

Title IX - A CBO score for H.R. 3188 is unavailable. The text of title IV is similar to that of H.R. 3188.

Title X - CBO estimates that implementing this legislation would cost about \$1 million annually over the 2014-2018 period, subject to the availability of appropriated funds. CBO's report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: A comprehensive report detailing new state-government, local-government, or private-sector mandates is unavailable. However, CBO report are available for legislation similar to the titles of this bill.

Title I – According to CBO, H.R. 2954 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

Title II – According to CBO, H.R. 585 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

Title III – According to CBO, H.R. 1170 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Title IV –A CBO report detailing intergovernmental or private-sector mandates for H.R. 2095 is unavailable.

Title V – According to CBO, H.R. 819 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

Title VI – According to CBO, H.R. 908 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Title VII – A CBO report detailing intergovernmental or private-sector mandates for H.R. 3492 is unavailable.

Title VIII – According to CBO, H.R. 657 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Title IX – A CBO report detailing intergovernmental or private-sector mandates for H.R. 3188 is unavailable.

Title X - According to CBO, H.R. 739 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: Rep. Miller states, “Congress has the power to enact this legislation pursuant to the following: Article IV, Section III, Clause II.” Rep. Miller’s statement can be [viewed here](#).

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